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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION
13

14 ELANA DIMITRIA MENDYUK,)	CIVIL NO. 1:24-cv-00459-SKO
Plaintiff,)	
v.)	STIPULATION AND UNOPPOSED
16 MARTIN O'MALLEY,)	MOTION TO VOLUNTARY REMAND
Commissioner of Social Security,)	PURSUANT TO SENTENCE FOUR OF 42
18 Defendant.)	U.S.C. § 405(g) AND TO ENTRY OF
)	JUDGMENT; ORDER
)	(Doc. 9)

19
20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
21 attorneys, and with the approval of the Court, that this action be remanded for further
22 administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C.
23 § 405(g), sentence four. On remand, the Appeals Council will remand the case to an
24 administrative law judge (ALJ) for a new decision. The parties further request that the Court
25 direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against
26 Defendant, reversing the final decision of the Commissioner.
27
28

Respectfully submitted,

1 DATE: June 12, 2024

/s/ Jonathan Omar Peña*

2 JONATHAN OMAR PEÑA

Attorney for Plaintiff

3 *Authorized via e-mail on June 11, 2024

4 PHILLIP A. TALBERT

5 United States Attorney

6 MATHEW W. PILE

7 Associate General Counsel

Office of Program Litigation, Office 7

8
9 DATE: June 12, 2024

By: /s/ Justin L. Martin

10 JUSTIN L. MARTIN

Special Assistant United States Attorney

11 Office of Program Litigation, Office 7

12 Attorneys for Defendant

13 **ORDER**

14
15 Based upon the parties' foregoing stipulation and unopposed motion to Voluntary
16 Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (the
17 "Stipulation") (Doc. 9), and for cause shown, IT IS ORDERED that the above-captioned action
18 is remanded to the Commissioner of Social Security for further proceedings pursuant to the
19 Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the
20 Appeals Council will remand the case to an administrative law judge for a new decision in
21 accordance with the parties' Stipulation.

22 The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against
23 Defendant, vacating and reversing the final decision of the Commissioner and thereafter close
24 this case.

25 IT IS SO ORDERED.

26
27 Dated: June 13, 2024

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE